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Attorneys for Defendants

DICK/MORGANTI, DICK CORPORATION,

and THE MORGANTI GROUP

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA—SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA for the Use and
Benefit of WEBCOR CONSTRUCTION, INC. dba
13 WEBCOR BUILDERS, and WEBCOR
CONSTRUCTION, INC. dba WEBCOR
14 BUILDERS,

Plaintiffs,

vs.

16 DICK/MORGANTI, a joint venture, DICK
17 CORPORATION, THE MORGANTI GROUP,
AMERICAN CASUALTY COMPANY OF
18 READING, PA, NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA,
19 and DOES 1 through 10, inclusive,

Defendants.

21 AND RELATED COUNTER-CLAIMS AND
22 THIRD PARTY CLAIMS.

Case No.: 3:07-CV-02564-CRB

**STIPULATION AND ~~PROPOSED~~
ORDER FURTHER EXTENDING
TIME TO FILE ANSWER**

Before: Hon. Charles R. Breyer

23 Pursuant to Local Civil Rule 6-2, Defendants, Counter-Claimants, and Third Party
24 Complainants DICK/MORGANTI, DICK CORPORATION, and THE MORGANTI GROUP
25 (together, “D/M”) and Plaintiff WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS
26 (“Webcor”) hereby stipulate and agree that the deadline for D/M to file an answer to Webcor’s
27 complaint, as well as the time for D/M to file a counterclaim, if any, be further extended to
28 **April 17, 2009**. The parties and their representatives continue to meet and discuss various issues,

1 including how Webcor's claims will be addressed at the upcoming mediations with the Project
2 owner. In the meantime, the parties prefer to avoid spending time on litigation activities and
3 filings in the case, and therefore stipulate to this further extension of time.

4 The time for D/M to file an answer to Webcor's complaint and the time for D/M to file a
5 counterclaim has been extended several times before. Additionally, there have been other time
6 extensions in this case, including time extensions in connection with case management
7 conferences.

8 A declaration in support of this stipulated request is attached.

9
10 Dated: March 19, 2009

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11
12
13 By: 

John W. Ralls
John Foust

14 Attorneys for Defendants, Counter-Claimants
15 and Third Party Complainants
16 DICK/MORGANTI, DICK CORPORATION,
and THE MORGANTI GROUP

17
18 Dated: March 19, 2009

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19
20
21 By: 

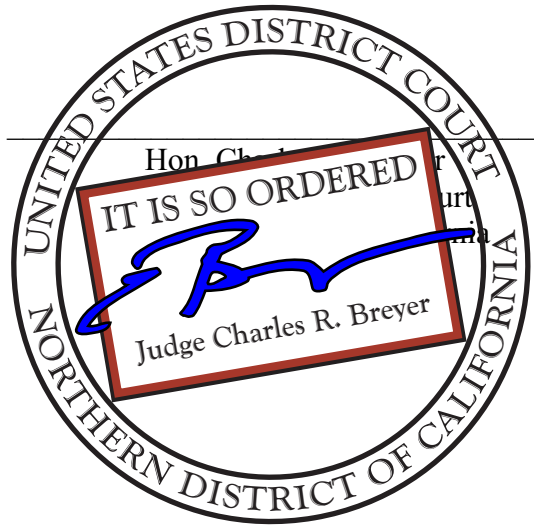
22 Kenneth G. Jones
23 Michael Connolly
24 Attorneys for Plaintiff
25 WEBCOR CONSTRUCTION, INC. dba
26 WEBCOR BUILDERS
27
28

ORDER

The deadline for Defendants, Counter-Claimants, and Third Party Complainants DICK/MORGANTI, DICK CORPORATION, and THE MORGANTI GROUP (together, "D/M") to file an answer to the complaint of Plaintiff WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS ("Webcor"), as well as the time for D/M to file a counterclaim, if any, is further extended to **April 17, 2009**.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: March 20, 2009



DECLARATION OF JOHN FOUST

I, John Foust, declare:

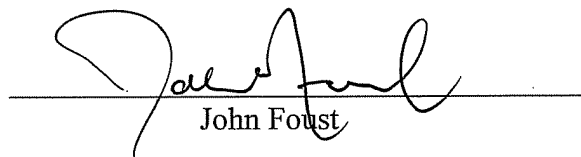
1. I am an attorney associated with Howrey LLP and counsel of record for Defendants, Counter-Claimants, and Third Party Complainants DICK/MORGANTI, DICK CORPORATION, and THE MORGANTI GROUP (together, "D/M").

2 Plaintiff WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS ("Webcor"), on the one hand, and D/M, on the other, have agreed to continue to discuss various issues, including how Webcor's claims will be addressed at the upcoming mediations with the Project owner. In the meantime, the parties prefer to avoid spending time on litigation activities and filings in this case. Therefore, the parties have stipulated and agreed to extend the deadline for D/M to file an answer to Webcor's complaint, as well as the time for D/M to file a counterclaim, if any, to April 17, 2009.

3. The parties have previously stipulated, and the Court has previously allowed, three extensions for the response to the complaint and counterclaim. Additionally, there have been other time extensions in this case, including time extensions in connection with case management conferences.

I declare under penalty of perjury under the law of the United States that the foregoing is true and correct.

Executed on March 19, 2009, in San Francisco, California.


John Foust